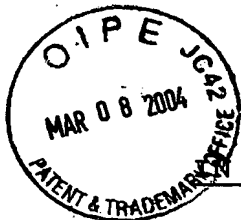


SDAE  
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Dkt. 0575/44012-AB/JPW/AJM/MML

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Eric A. Schon

**RECEIVED**

Serial No. : 10/086,489

**MAR 11 2004**

Filed : February 28, 2002

**OFFICE OF PETITIONS**

For : METHOD TO DETECT MUTATIONS IN A NUCLEIC ACID  
USING A HYBRIDIZATION-LIGATION PROCEDURE

1125 Avenue of the Americas  
New York, New York 10036  
March 4, 2004

Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

**PETITION TO REVIVE UNINTENTIONALLY  
ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(b)**

This petition is made in response to the February 6, 2004 Notice of Abandonment issued in connection with the above-identified application. A copy of the Notice is attached hereto as **Exhibit A**. From the Notice of Abandonment, applicant understands that applicant's June 17, 2002 reply to the April 17, 2002 Notice to comply with the sequence rules was deemed non-responsive, therefore resulting in abandonment.

Applicant hereby petitions to revive the subject abandoned application pursuant to 37 C.F.R. §1.137(b). A grantable petition under this paragraph must be accompanied by (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in §1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was

Applicant: Eric A. Simon  
Serial No.: 10/086,489  
Filed: February 28, 2002  
Page 2

unintentional; and (4) any terminal disclaimer required pursuant to 37 C.F.R. §1.137(d).

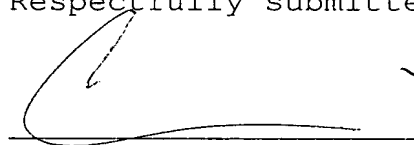
In satisfaction of the requirements for a grantable petition under 37 C.F.R. §1.137(b), applicant has enclosed as **Exhibit B** (including **Exhibits 1-3** and a computer diskette containing the sequence listing) the required reply to the April 17, 2002 Notice issued in connection with this application. Applicant submits that the entire delay in filing this reply from the due date for the reply until the filing of this petition was unintentional. Specifically, applicant's undersigned attorney believed that the June 17, 2002 reply was responsive to the April 17, 2002 Notice, and was not aware of any deficiency in that reply until receiving the Notice of Abandonment. A check in the amount of \$665.00 is also enclosed, which amount is the fee to revive an unintentionally abandoned application required under 37 C.F.R. §1.137(b).

Applicant understands that no terminal disclaimer is required under 37 C.F.R. §1.137(d) in connection with the filing of this petition.

Applicant: Eric A. Morrison  
Serial No.: 10/086,489  
Filed: February 28, 2002  
Page 3

No fee, other than the enclosed \$665.00, is deemed necessary in connection with the filing of this Petition. However, if any other fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham, LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Alan J. Morrison  
Reg. No. 37,399

3/4/02 Date



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/086,489	02/28/2002	Eric A. Schon	44012-AB

CONFIRMATION NO. 3756

## FORMALITIES LETTER



\*OC000000007882674\*

John P. White  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036

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MAR 11 2004

OFFICE OF PETITIONS



Date Mailed: 04/17/2002

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature, possibly 'R', is written above a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/086,489	02/28/2002	Eric A. Schon	44012-AB

John P. White  
 Cooper & Dunham LLP  
 1185 Avenue of the Americas  
 New York, NY 10036



CONFIRMATION NO. 3756

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011850072\*

Date Mailed: 02/06/2004

## NOTICE OF ABANDONMENT

UNDER 37 CFR 1.821(g)

RECEIVED

MAR 11 2004

OFFICE OF PETITIONS

Applicant's reply received on 06/24/2002 is acknowledged.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY